

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ANTHONY D. BROWN,

Petitioner,

v.

WARDEN, ROSS

CORRECTIONAL INSTITUTION,

Defendant.

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Case No. 3:16-cv-467

JUDGE WALTER H. RICE

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #4) AND  
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #7);  
OVERRULING PETITIONER'S OBJECTIONS TO REPORT AND  
RECOMMENDATIONS (DOC. #5); DISMISSING WITH PREJUDICE  
PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS  
(DOC. #3); DENYING CERTIFICATE OF APPEALABILITY AND LEAVE  
TO PROCEED *IN FORMA PAUPERIS*; JUDGMENT TO ENTER IN  
FAVOR OF DEFENDANT AND AGAINST PETITIONER; TERMINATION  
ENTRY

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Based on the reasoning and citations of authority set forth by United States  
Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #4,  
and his Supplemental Report and Recommendations, Doc. #7, as well as upon a  
thorough *de novo* review of this Court's file and the applicable law, the Court  
ADOPTS said judicial filings in their entirety, and DISMISSES WITH PREJUDICE the  
Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, Doc. #3.

Petitioner's Objections to the Report and Recommendations, Doc. #5, are  
OVERRULED for the reasons set forth in the Supplemental Report and

Recommendations. The Court notes that, although Petitioner was notified of his right to file Objections to the Supplemental Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: January 9, 2017

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE